

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32529 of 2017

Arising Out of PS.Case No. -240 Year- 2016 Thana -FATUHA District- PATNA

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1. Nawal Singh @ Nawal Kishore Singh @ Nawal Kishore Yadav son of
Ram Babu Singh Resident of Railway Colony, P.S. - Fatuha, District -
Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Gupta

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 13-02-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Fatua PS case no. 240 of 2016 registered for
the offences punishable under Sections 307 and other sections of
Indian Penal Code and Section 27 of Arms Act.

The case of the prosecution is that the petitioner
herein and other co-accused persons were engaging in
brick-batting and one of the bricks hit the *Munsi* of the informant
resulting in his death subsequently.

The learned counsel for the petitioner submits that
the supervising authority has directed for further investigation on
the issue that the petitioner was not present at the place of



occurrence and infact, he was in a bank and the CCTV footage of the bank would substantiate the said factum of presence of petitioner in the bank. It is further submitted that the petitioner is having a clean antecedent and there is general and omnibus allegation against all the accused persons.

Having regards to the facts and circumstances of the case, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M., Fatua Patna City in connection with Fatua PS case no. 240 of 2016 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

It is further directed that the petitioner shall join investigation and would be present at the place where the investigating agency directs the petitioner to be present. It is clarified that if the prosecution finds that the petitioner is not cooperating in investigation then it would be free to move this Court for cancellation of the bail. It is further directed that the



petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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